

EXHIBIT G

Deposition of
Kathy O'Kelley
August 25, 2021

Dillard
vs.
City of Springdale



Kathy O'Kelley

**Dillard vs.
City of Springdale**

1 By videoconference on behalf of the DEFENDANTS CITY OF
2 SPRINGDALE, KATHY O'KELLEY AND ERNEST CATE

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25 Also present: Ernest Cate

Kathy O'Kelley**Dillard vs.
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1 A It was in the afternoon of the 20th.

2 Q Let me refer you to Exhibit 7 which we'll have
3 put up on the screen. If you will take a moment to review
4 Exhibit 7? It's a one page document, Bates number
5 Springdale0755. Do you see that?

6 (WHEREUPON, Exhibit 7 was marked for
7 identification.)

8 A Could I point out something to you regarding the
9 FOI request?

10 Q Sure. Absolutely.

11 A In the section where you were reading regarding
12 the incident reported by Darrell Hignite in 2008, if you
13 come on to the next sentence, it's interesting to me as it
14 says that, "Present statute and case law pertaining to the
15 Arkansas FOIA, such records are available for me and other
16 members of the public. They are not exempt from required
17 disclosure under the present interpretation of the act and
18 it is believed that the attorney general would concur with
19 this release." I just wanted to point that out.

20 Q And why do you think that's significant that the
21 lawyer for the Cross Gunter law firm put that in there?

22 A I don't know why they put it in there. You
23 asked me to review Springdale0755?

24 Q No, I want to go back -- let's go back to
25 Exhibit 1 for now. You brought something up I want to ask

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1 A I don't believe so.

2 Q Is your -- is it your belief sitting here today
3 that the offense report was subject to release under
4 Arkansas law pursuant to the FOIA statute?

5 MS. KENDALL: Objection, form, and calls for a
6 legal conclusion. The witness may answer if she can. I
7 am going to instruct the witness not to answer to the
8 extent that her answer would disclose information that's
9 been provided to her by legal counsel. You can answer
10 unless it will disclose information that you have
11 discussed with your attorneys.

12 A I'm confused at this point.

13 Q (BY MR. BLEDSOE) Is it your understanding as
14 you sit here today that the offense report was subject to
15 disclosure under the Arkansas FOIA law?

16 MS. KENDALL: Same objections and same
17 instruction. Chief, you can answer the question unless
18 doing so would disclose information gained from
19 conversations with your attorneys.

20 A That's all been advice of legal counsel.

21 Q (BY MR. BLEDSOE) Was it important to you that
22 -- withdrawn.

23 Did you read Mr. Abtin's letter to you when you
24 received it -- or withdrawn.

25 Let me ask a better question. On May 20th when

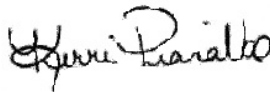
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C E R T I F I C A T E

I, Kerri Pianalto, Certified Court Reporter, do hereby certify that the above-named KATHY O'KELLEY was by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in the case aforesaid; that the above and foregoing deposition was by me taken and transcribed pursuant to agreement, and under the stipulations hereinbefore set out; and that I am not an attorney for nor relative of any of said parties or otherwise interested in the event of said action.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 31st day of August, 2021.



KERRI PIANALTO, CCR

State of Arkansas, No. 651